G R S App F [X-4]

1947 - 41

File No 40-47

Previous References
40-47 (153, 154) ( )
" 44 30 - (68)
41-46 (35 38)

Serial Nos 182, 183

Later References

GENERAL AND REVENUE SECRETARIAT

Serial Nos Two

Part B for marches

SUBJECT

Election of the President for Chalakere Town Municipal Council

ML 5451 Election of President for Chellakere Town Municipal Council

PU 5) Letter No A 6C 5 61/46-47 dated the 13th March 1948 from the Deputy Commissioner, Chitaldrug District stating that fresh election proceedings are taken by the Amildar President of the Chellakere Town Municipal Council in connection with the election of a non-official President for the said Council and soliciting instructions on certain points mentioned in the letter —

The Deputy Commissioner, Chitaldrug District brings to notice, in this connection, that the petitioners who had objected to the election of Mr B Venkatesan in the previous election, had put forward as one of the objections that
(1) the Amildar President had no authority to preside at the election meeting as per rule 4 of election rules and
(2) that the Amildar President had no right to exercise his vote

In the present case, the D C reports, that the Amildar of Chellakere was appointed as Ex-officio President and notified by Govt as an additional Commissioner, (Govt No L 9241/04641-46 35 dt 30-12-46) and that Rule 4 of the election rules contemplates that the

Election of President for Chellaston Town Municipal Council

Councillors present on the day of election shall, for the purpose of presiding in the meeting, select one from among themselves and that as per Section 24 (1) (a) of the Town Municipalities Act 1933, it is the duty of the President to preside at all meetings. Further, the Dy Commr intimates that according to instructions issued by Govt (L.S. 948/Pol 138-46-6 & LS 6 47) the Chairman appointed under the Statute shall continue in office until his successor is appointed and that he presides at the meeting. The D.C. is of the opinion that as the election rules cannot supersede the provisions made in the Act, the Amildar as ex-officio President of the M.C. has a right to preside at the meetings.

2 Regarding the second point, i.e., the Amildar's right to vote the D.C. is of the opinion that he is entitled to vote as nominated Councillors are entitled to vote as per G.O. No. L 83 2-9/Pol 44-30 S- & 22 7 30 & L 6869-79/Pol 163 38-2 & 25 2 39

3 The Dy Commr requests to be informed whether the above two findings of his are correct, and that as the election of the President is fixed to be held on the 2nd April 1948, he requests very early reply in the matter.

Hon'ble 17-3-48

4) Reference is invited to para 12(a) and para 14(d) in Collection Ref. 40 of 47-54 153 & 154 but not however in which these two points referred to above are discussed and decided.

Election of a President for the Chittakure Town Municipal Council -

5) If approved, the Deputy Commissioner will be informed what the Stand taken by him in respect of both matters is correct

For 17/3/48

6) Draft letter as per put up accordingly above

17/3/48

7) Submitted with a draft letter for appl

For 18/3/48

8) Perused for 18/3/48

9) For perusal before issue

19/3

Minister for S.G.

10) Appd

8

19/3/48

For 19/3/48

31/3/48 issued

For 31/3/48

10) Draft telegrams to the Deputy Commr, Chitaldrug and the Amildar, Chitaldrug are put up as per instructions

For 31/3/48

Issue at once

For 31/3/48*

Telegram issued on 31-3-47.

'B'

For 4/48

Letter to DC Chitaldrug Dr no No L5-342 dated 31-3-48 + copy sent to Amildar Bramhagiri Chitaldrug Hlk for information no No L5-343 dated

[illegible] C 561/ [illegible]-47 Office of the Deputy Commissioner,
Chitaldrug, dated, 13th March 19[illegible]

To

Sri[illegible] learn[illegible],B A,
Secret[illegible]ry to the Government of [illegible]score,Re[illegible]

Sir,

With reference to [illegible]ir letter [illegible] L 13407 40-7-54 dated 10-9-1947 setting aside the election of [illegible] B [illegible]nkatesan as [illegible]n offici l President of the [illegible]n [illegible]unicipal Council,Challakere, I [illegible]a[illegible]e the hono[illegible]r to state that fresh election proceedings are tak[illegible]n [illegible] the Am[illegible]ldar President of the [illegible]Unicipality

[illegible]n the abo[illegible]e [illegible]ase, the petit[illegible]oners had st[illegible]ted th[illegible]t 1) the Amildar President had no [illegible]uthority to pres[illegible]de at the elect[illegible]on meet[illegible]ng as per rule 4 of the election r[illegible]les and 2) that the Am[illegible]ldar Pres[illegible]dent had no right to e[illegible]xercise his [illegible]ote. [illegible]n the pre[illegible]ent c[illegible]se, the Amildar Challakere [illegible]as appointed as ex-offi[illegible]cio Pres[illegible]dent [illegible]nd notified by the [illegible]o[illegible]t [illegible]as an addit[illegible]onal co[illegible]ncillor [illegible]de notification[illegible] In L[illegible]0941-[illegible]1 41-10-[illegible]0 dated 20-12-10([illegible]lear [illegible]) [illegible]ule 4 of the elect[illegible]on r[illegible]les ([illegible]l[illegible]e 3) contemp[illegible]l[illegible]tes that the councillors present on the day of elect[illegible]on shall for the purpose of presid[illegible]ng [illegible]n the meeting, elect [illegible]ne from among themselves as per sect[illegible]on 24 (1)(a) of the to[illegible]n [illegible]un[illegible]c[illegible]pal[illegible]ties [illegible]ct 1933, it is the duty of the Pres[illegible]de[illegible] to pres[illegible]de [illegible]t all the meetings. Instructions have also b[illegible]en issued by Gov[illegible]t [illegible]n letter [illegible] L 15048 [illegible] 130-10-[illegible] dated 15-[illegible]-47 to the effect that [illegible]hen the statute pro[illegible]des that a chairman sha[illegible] continue in office until his successor is appointed,he presides [illegible]t the meeting As the elect[illegible]on rules cannot supersede the provis[illegible]ons contained [illegible]n the [illegible]ct, it [illegible]as held in the office that the Amildar as ex-offi[illegible]cio president of the [illegible]un[illegible]c[illegible]pal[illegible]ty h[illegible] right to preside at the meeting. In regard to the second point, i[illegible]., the Amildar had no right to exercise his vote, it is h[illegible]ld in this office,that this [illegible]e[illegible]nt is not correct as the Amildar [illegible]as appointed as an ex-officio president and [illegible]n addit[illegible]onal councillor and the

rom noted on no llor are entitled to ote as per C C n L 850-0
l 44-3f-5 dated 20-7-1930 and L Cdec-28 l 103-28-2 d ted 25-2-28
I request to be nformed hether the abo e t e f nd ng of this
office are correct As the elect on of the Pre ident is fixed
to be held on 2-4- 818, the fa o r of an earl reply in the matter
is requested

I ha e the honour to be,
Sir,
Your most obedient ser nt,

C m

Dep ty Commissioner, Chi f Dist

four copies

Express telegram

To Depcom Chitaldrug

Reference your letter AGC 561 dated 31/3/47 Election President Challakere Municipality Stop Amildar can preside and also vote at meeting

Revenue Secretary

for Dy Secy

Copy forwarded in confirmation

four copies

To Amildar Challakere

Reference Deputy Commissioners letter regarding Election President Challakere Municipality Stop You can preside and also vote at meeting.

Revenue Secretary

not DCM

Pl type above

Copy forwarded in confirmation to

for 31/3/47

Dwk 1) Rec D C Chitaldrug

Pl table 2) Rec Amildar, Challakere

for Dy Secy

EXPRESS TELEGRAM

DEPCOM CHITALDRUG

REFERENCE YOUR LETTER AEC 561 ELECTION PRESIDENT CHALLAKERE MUNICIPALITY STOP ATTIDAR CAN PRESIDE AND ALSO VOTE AT MEETING.

REVSEC

From

The Revenue Secretary to Government,
General and Revenue Secretariat,
Bangalore.

For Revenue Secretary to Govt ,

Memo No L 15335-B

Dated, Bangalore, 31st March 1948

Copy forwarded in confirmation with compliments to the Deputy Commissioner, Chitaldrug District

O/C

For Revenue Secretary to Govt ,

1a

AMILDAR CHALLAKERE

REFERENCE DEPUTY COMMISSIONER'S LETTER REGARDING ELECTION PRESIDENT CHALLAKERE MUNICIPALITY STOP YOU CAN PRESIDE AND ALSO VOTE AT MEETING

REVSEC

From

The Revenue Secretary to Government,
General and Revenue Secretariat,
Bangalore

~~Lemax~~ Memo No 45535-B

Dated, Bangalore, 31st March 1948

Copy fowarded in confirmation t

[illegible]

For Revenue Secretary to Govt ,

Immediate

Appendix F G—11 No 4

SUBJECT Election of President for Chilliakere Town Municipal Council

3 copies

Section ML
File No 4047
Serial No 183

Diary No of letter replied to 5451

No L 15362

General and Revenue Secretariat
( )
the *19*

To The ~~Asst~~ Deputy Commissioner,
Chitaldrug Dt
Chitaldrug

Date of issue 31.3.48

Signed by

Sir,

With reference to your letter No A6 C561/46-47, dated the 13th March 1948, on the above subject, I am directed to state that the view held by you to the effect that the Amildar-President can preside at the

List of enclosures

Copied by

Examined by

WD 06865—GPB—8 000—9-8-47

Election Meeting and that
he can exercise his right
to vote, being one of the members of the Mtg
to vote, is correct I am
to request that action may
be taken immediately in connection with
the holding of the fresh
election for the Mtg Vice President
of the Chelmsford Town Municipal
Council accordingly

Thanking You

Yours

17/3/48

Secretary to Govt

Revenue Dept

NTOV

18-3-48

L 15343 31 3 48 For 18 3 48

Copy to Town Municipal Council Chelmsford for information

Yours

Immediate

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L 15342

General and Revenue Secretariat

Dated Bangalore 31 3 1948

FROM

The Chief Secretary to the Government of His Highness the Maharaja of Mysore

To

Revenue Department

The Deputy Commissioner
Chitaldrug District

SIR

Election of President for Challakere Town Municipal Council

With reference to your letter No /6 C 561/46-47 dated the 17th March 1948 on the above subject I am directed to state that the view held by you to the effect that the Amildar-President can preside at the Election Meeting and that he can exercise his right to vote - being one of the members of the Municipal Council - is correct I am to request that action may be taken immediately in connection with the holding of the fresh election for the office of the President of the Challekere Town Municipal Council accordingly

I have the honour to be
Sir
Your most obedient servant

Sd Syed Abdul Aleem

Secretary to Government
Revenue Department

Memo No L 15343. 31 3 48

Copy of the above is forwarded to the Amildar-President, Challakere ~~Taluk~~ for information

By Order

for Secretary to Government
Revenue Department